

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN HOSPITAL ASSOCIATION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 14-cv-00851 (JEB)
)	
XAVIER BECERRA, in his official capacity as)	
Secretary of Health and Human Services,)	
)	
Defendant.)	
)	

DEFENDANT’S STATUS REPORT

Pursuant to the Court’s 2018 Order (ECF No. 89), the Secretary of Health and Human Services (“HHS”) provides this status report to inform the Court that HHS has met the first three reduction targets set in the Court’s November 1, 2018 Order and continues to make significant progress in reducing the number of pending appeals at the Office of Medicare Hearing and Appeals (“OMHA”). Attached to this status report as Exhibit 1 are statistics concerning, *inter alia*, the backlog of appeals at OMHA as of the end of the second quarter of fiscal year 2022. *See* Medicare Appeals Dashboard, Exhibit 1. By the end of the second quarter of 2022, a total of 37,373 appeals remain pending at OMHA, which is a reduction of 91% from the starting number of appeals identified in the Court’s order (426,594 appeals).

Dated: June 27, 2022

Respectfully submitted,

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EXHIBIT 1

Medicare Appeals Dashboard

Reporting Period: Through Quarter 2 of FY 2022 (March 31, 2022)
(Data in Appeals)

Level 3 - OMHA	Fiscal Year					Most Recent 6 Quarters					
						FY 2022		FY 2021			
	FY 2022 YTD	FY 2021	FY 2020	FY 2019	FY 2018	Qtr2	Qtr1	Qtr4	Qtr3	Qtr2	Qtr1
Beginning Workload Balance	60,062	165,263	292,517	417,198	578,683	52,641	60,062	86,063	104,255	131,961	165,263
Receipts	22,341	31,400	29,729	43,887	62,762	11,894	10,447	7,930	8,083	8,172	7,215
RAC	1,297	1,287	1,202	485	774	821	476	232	288	400	367
non-RAC	21,044	30,113	28,527	43,402	61,988	11,073	9,971	7,698	7,795	7,772	6,848
Appeals Removed	(45,678)	(136,601)	(156,983)	(168,568)	(224,247)	(26,966)	(18,712)	(33,931)	(26,275)	(35,878)	(40,517)
OMHA Dispositions	(40,705)	(117,127)	(136,699)	(119,848)	(92,113)	(22,131)	(18,574)	(23,343)	(26,232)	(33,402)	(34,150)
RAC	(2,609)	(14,022)	(15,621)	(15,708)	(24,690)	(1,469)	(1,140)	(2,940)	(3,514)	(4,294)	(3,274)
non-RAC	(38,096)	(103,105)	(121,078)	(104,140)	(67,423)	(20,662)	(17,434)	(20,403)	(22,718)	(29,108)	(30,876)
Settlement Conference Facilitation (non-add) 5	(4,168)	(13,011)	(6,552)	(14,021)	(57,097)	(4,113)	(55)	(11,064)	(62)	(307)	(1,578)
Appeals combined for efficiency	(4,656)	(15,393)	(16,721)	(25,339)	(29,248)	(4,618)	(38)	(10,322)	614	(14)	(5,671)
QIC demo - remands for resolution	(287)	(3,281)	(3,543)	(14,243)	(20,175)	(187)	(100)	(261)	(656)	(1,698)	(666)
Serial Claims Initaitive	(29)	(22)	(7)	(3,076)	(2,574)	(29)	0	(4)	(1)	(2)	(15)
Low Volume Appeals	0	(8)	(6)	(5,784)	(20,817)	0	0	0	0	(1)	(7)
Hospital Settlements	(1)	(770)	(7)	(278)	(2,223)	(1)	0	(1)	0	(761)	(8)
Inpatient Rehab Facility Settlements (non-add) 5	0	(4,390)	(1,326)	(6)		0	0	0	(1)	(100)	(4,289)
WL Adjustment to Beginning Workload 10	648					(196)	844				
Net Pending Receipt Increase / (Decrease)	(22,689)	(105,201)	(127,254)	(124,681)	(161,485)	(15,268)	(7,421)	(26,001)	(18,192)	(27,706)	(33,302)
Ending Workload (pending appeals)	37,373	60,062	165,263	292,517	417,198	37,373	52,641	60,062	86,063	104,255	131,961

1/ FY22 Qtr.2 includes the majority of appeals received through March 31, 2022.

2/ Receipts and dispositions have been updated due to appeal adjustments such as combinations, deletions, and/or corrections.

3/ The number of appeals adjudicated each fiscal year reflects receipts from multiple fiscal years.

4/ OMHA Dispositions reflect appeals removed by all types of adjudicators.

5/ Starting in FY19, Settlement Conference Facilitation *and* Inpatient Rehab Facility Settlement counts are non-adds to avoid double counting (included in OMHA Dispositions at a 1:1 ratio). Both counts reflect appeals closed (vs settled).

6/ FY15 through FY18 reflect changes in methodology to include combined appeals. Discrepancies between Level 2 and Level 3 RAC receipts are largely attributable to these changes in methodology.

7/ Appeals combined for efficiency result in one disposition for a group of combined appeals. This line accounts for the remainder of received appeals that were combined into single appeals within disposition counts.

8/ Initiative dispositions not reflected separately within the table are counted in "OMHA Dispositions" (as 1 disposition if multiple appeals were combined), and "Received appeals combined for efficiency" (remainder of groups of appeals combined for efficient disposition).

9/ OMHA combines appeals to improve the efficiency of our ALJs. FY20 combined appeals count includes 1,013 auto-promoted initiative appeals without a Request for Hearing - deleted in Q4.

10/ *WL Adjustment to Beginning Workload* counts Prior Year appeals that are determined to be invalid during the Current Year [-310]. This adjustment is also reflected in the subsequent "Net Pending Receipt Increase / (Decrease)" subtotal.

FY22 Qtr.1 count also includes an additional adjustment for transition to ECAPE reporting [+958].